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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,048	02/05/2001	Masamine Maeda	B208-1122	8686

26272 7590 08/24/2005

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EXAMINER	
SELBY, GEVELL V	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,048	MAEDA, MASAMINE	
	Examiner	Art Unit	
	Gevell Selby	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/31/05 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/31/05 have been fully considered but they are not persuasive. The applicant submits that the prior art does not disclose the following limitation of the claimed invention:

"said plurality of image pickup modes including at least a first mode in which the pixel signals obtained by said image pickup circuit are reduced by extracting pixel signals of a predetermined continuous area from the pixel signals outputted by a first area of said image pickup circuit" as claimed in claim 1. The Examiner respectfully disagrees.

Examiner's Reply:

The Terada reference discloses said plurality of image pickup modes (block and skip modes) including at least a first mode (block mode) in which the pixel signals obtained by said image pickup circuit (103) are reduced by extracting pixel signals of a predetermined continuous area (a block or predetermined range of pixels is scanned out of the whole pixels thus reducing

the number of pixel signals) from the pixel signals outputted by a first area (effective area of image sensor with 2048 x 2048 pixels) of said image pickup circuit (see column 11, lines16-29).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6, 13-17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015.

In regard to claims 1, 13, and 23, Terada et al., US 6,124,888, discloses an image pickup apparatus, method, and program for operating the apparatus, comprising the following components that perform the method in the program:

an image pickup circuit (see figure 7, element 103) which photoelectrically converts, into pixel signals, a light image formed through a lens (see figure 7, element 101 and column 11, lines 7-11); and

a setting controller (see figure 7, elements 107 and 108) which sets an image pickup mode selected from among a plurality of image pickup modes (see column 11, line 59 to column 12, line 10), said plurality of image pickup modes (block and skip modes) including at least a first mode (block mode) in which the pixel signals obtained by said image pickup circuit (103) are reduced by extracting pixel signals of a

predetermined continuous area (a block or predetermined range of pixels is scanned out of the whole pixels thus reducing the number of pixel signals) from the pixel signals outputted by a first area (effective area of image sensor with 2048 x 2048 pixels) of said image pickup circuit (see figure 15 and column 11, lines 16-29).

The Terada reference does not disclose wherein the first area of said image pickup circuit becomes narrower and the depth of filed becomes deeper when said ~~first~~ second mode is shifted to said ~~second~~ first mode.

Matsumoto, US 6,308,015, discloses a camera with a plurality of modes wherein the first area of said image pickup circuit becomes narrower (diaphragm aperture decreases creating a smaller effective pixel area) and the depth of filed becomes deeper when said second mode, portrait mode, is shifted to said first mode, landscape mode (see column 6, lines 5-24).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015, wherein the first area of said image pickup circuit becomes narrower and the depth of filed becomes deeper when said second mode is shifted to said first mode, in order to photograph landscape of the like where an object of interest is located at a relatively long distance in the first mode and to photograph a person in the second mode.

In regard to claims 2 and 14, Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015, discloses an image pickup apparatus and method according to claims 1 and 13 respectively. Terada discloses wherein the image pickup mode to be set for picking

up a moving image differs from the image pickup mode to be set for picking up a still image (see column 11, lines 23-28 and 40-45)) and said plurality of image pickup modes includes a third mode (full mode) in which the pixel signals obtained by said image pickup circuit are not reduced more than in the first and second modes (see column 11, lines 16-28).

In regard to claims 3 and 15, Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015, discloses an image pickup apparatus and method according to claims 2 and 13 respectively. Terada discloses wherein said third mode is set for picking up a still image (see column 11, lines 25-29).

In regard to claims 4 and 16, Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015, discloses an image pickup apparatus and method according to claims 1 and 13 respectively. Terada discloses wherein the image pickup mode is set according to an object an image of which is to be picked up (see column 11, lines 25-29: The block or skip mode or used to capture moving images of objects and full mode is select for still images of objects).

In regard to claims 5 and 17, Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015, discloses an image pickup apparatus and method according to claims 1 and 13 respectively. The Terada reference does not disclose wherein said setting controller sets the image pickup mode on the basis of evaluation values obtained from at least two distance measuring points.

Matsumoto, US 6308,015, discloses a distance measuring device, which takes a distance measurement from a plurality of points (see column 9, line 66 to column 10,

lines 5). The distance measuring device allows for the detection of the main object in order to perform auto focusing (see column 9, lines 60-65).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015, to have a distance measuring device to determine the main object and the controller can the mode depending of then location of the points of the of the object.

In regard to claims 6, Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015, discloses an image processing system (see Terada: figure 7) having a plurality of apparatuses communicatively interconnected (see Terada: figure 7, elements 102-110), wherein at least one of said plurality of apparatuses has a function of an image pickup apparatus (see Terada: figure 7, element 103) according to claim 1.

5. Claims 7-11, 12, 18-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, US 6,563, 535, in view of Matsumoto, US 6308,015.

In regard to claims 7, 18, and 24, Anderson, US 6,563, 535, discloses an image pickup apparatus, method and program for operating the apparatus comprising the following components that perform the method in the program:

an image pickup circuit (see figure1, element 104) which photoelectrically converts, into pixel signals, a light image formed through a lens (see column 4, lines 17-19); and

a controller (see figure 1, element 110) which performs control in such a way as to change, according to an object an image of which is to be picked up, a

method of reducing the pixel signals outputted by a first area of said image pickup circuit (see column 14, lines 48-67).

The Anderson reference does not disclose wherein the first area of said image pickup circuit and depth of field changes when the method of reducing the pixel signals changes.

Matsumoto, US 6,308,015, discloses a camera with a plurality of modes wherein the first area of said image pickup circuit becomes narrower (diaphragm aperture decreases creating a smaller effective pixel area) and the depth of filed becomes deeper when said second mode, portrait mode, is shifted to said first mode, landscape mode (see column 6, lines 5-24).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Terada et al., US 6,124,888 in view of Matsumoto, US 6308,015, wherein the first area of said image pickup circuit and depth of field changes when the method of reducing the pixel signals changes, in order to photograph landscape of the like where an object of interest is located at a relatively long distance in the first mode and to photograph a person in the second mode.

In regard to claims 8 and 19, Anderson, US 6,563, 535, in view of Matsumoto, US 6308,015, discloses an image pickup apparatus and method according to claims 7 and 18 respectively. Anderson discloses wherein said lens is a zoom lens (see column 11, lines 62-67), and said controller controls said zoom lens according to the method of reducing the pixel signals (see column 11, line 62 to column 12, line 32).

In regard to claims 9 and 20, Anderson, US 6,563, 535, in view of Matsumoto, US 6308,015, discloses an image pickup apparatus and method according to claims 7 and 18 respectively. Anderson discloses wherein a photo-taking angle of view is compensated even when the method of reducing the pixel signals is changed (see column 11, line 62 to column 12, line 32: The angle of view is compensated by zooming).

In regard to claims 10 and 21, Anderson, US 6,563, 535, in view of Matsumoto, US 6308,015, discloses an image pickup apparatus and method according to claims 7 and 18 respectively. Anderson discloses wherein the method of reducing the pixel signals includes at least a first mode (Full Output) in which the pixel signals obtained by said image pickup circuit are reduced by extracting pixel signals of a predetermined continuous area from the pixel signals obtained by said image pickup circuit and a second mode (Half or Quarter Output) a mode in which the pixel signals obtained by said image pickup circuit are reduced by thinning out the pixel signals obtained by said image pickup circuit according to a predetermined rule (see column 10, lines 1-27).

In regard to claims 11 and 22, Anderson, US 6,563, 535, in view of Matsumoto, US 6308,015, discloses an image pickup apparatus and method according to claims 7 and 18 respectively. The Anderson reference does not disclose wherein said controller changes the method of reducing the pixel signals on the basis of evaluation values obtained from at least two distance measuring points.

Matsumoto, US 6,308,015, discloses a distance measuring device which takes a distance measurement from a plurality of points (see column 9, line 66 to column 10,

lines 5). The distance measuring device allows for the detection of the main object in order to perform auto focusing (see column 9, lines 60-65).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Anderson, US 6,563, 535, in view of Matsumoto, US 6308,015, to have a distance measuring device to determine the main object and the controller can the mode depending of then location of the points of the object.

In regard to claim 12, Anderson, US 6,563, 535, in view of Matsumoto, US 6308,015, discloses an image processing system (see Anderson: figure 1, element 100) having a plurality of apparatuses communicatively interconnected (see Anderson: figure 1, elements 102-106), wherein at least one of said plurality of apparatuses has a function of an image pickup apparatus (see Anderson: figure 1, element 104) according to claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER